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MEMO ENDORSED

June 3, 2008

BY FAX

Honorable James C. Francis IV
 United States Magistrate Judge
 United States Courthouse
 500 Pearl St., Room 615
 New York, NY 10007

LEAD CASE
 04 CIV 79 22
 (RJS) (JCF)

USDS SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #:
 DATE FILED: 6/5/08

Re: Jeffrey Phillips, et al. v. City of New York, et al., 05 Civ. 7624 (RJS)(JCF)
Sarah Coburn, et al. v. City of New York, et al., 05 Civ. 7623 (RJS)(JCF)
Udo Drescher v. City of New York, et al., 05 Civ. 7541 (RJS)(JCF)
Betty Bastidas, et al. v. City of New York, et al., 05 Civ. 7670 (RJS)(JCF)
Randy Xu, et al. v. City of New York, et al., 05 Civ. 7672 (RJS)(JCF)
Emily Sloan, et al. v. City of New York, et al., 05 Civ. 7668 (RJS)(JCF)
Gwynn Galitzer v. City of New York, et al., 05 Civ. 7669 (RJS)(JCF)
Nikolas Sikelianos v. City of New York, et al., 05 Civ. 7673 (RJS)(JCF)

DOCKET
 IN ALL
 CASES

Dear Judge Francis:

As discussed at the last two RNC status conferences, counsel for defendants James Mirro, Esq. and I have reached agreement on the issue of the service waivers. Plaintiffs therefore respectfully request that the Court "So Order" that executed Waiver of Service of Summons forms for each of the defendants listed in each of the cases in the annexed letter of today from Mr. Mirro to myself (annexed hereto as **Exhibit A**) are deemed filed, pursuant to Fed.R.Civ.Pro. 4(d)(4), rather than requiring that the forms be actually filed with the Court. Defendants have no objection to this procedure (see, paragraph two of Mr. Mirro's letter to me of today annexed as **Exhibit A**).

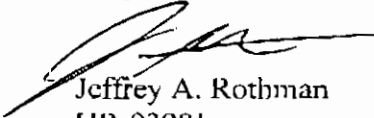
The waiver of service for the listed defendants is applicable to the following amendments of the complaints for each of the affected cases: Xu (Second Amended Complaint); Phillips (First Amended Complaint); Galitzer (Second Amended Complaint); Drescher (First Amended Complaint); Bastidas (Second Amended Complaint); Coburn (Second Amended Complaint); Sikelianos (First Amended Complaint); Sloan (Second Amended Complaint).

As also discussed with the Court at the last status conference, Plaintiffs' 120 days to serve defendants pursuant to Rule 4(m) expires tomorrow, June 4, 2008. Should the Court grant the instant application and the Court Clerk is not able to enter the Court's Order onto the docket until beyond tomorrow, Plaintiffs in that case respectfully request that the Court grant an extension of time to serve defendants under Rule 4(m) until such time as the Court Clerk enters the Court's Order. Should the instant application not be acceptable to the Court, Plaintiffs

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respectfully request an extension of time under Rule 4(m) to file the actual Waiver of
Service of Summons forms with the Clerk, or to otherwise effect service in such manner as the
Court desires.

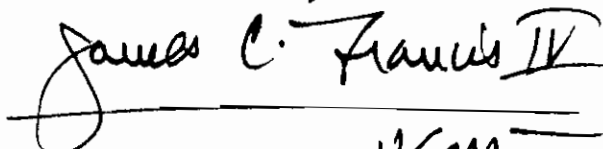
I thank the Court for its consideration in this matter.

Respectfully submitted,


Jeffrey A. Rothman
[JR-0398]

Enc.

cc: SACC James Mirro, Esq. (by email)
SACC Fred Weiler, Esq. (by email)
John Ware Upton, Esq. (by email)
Alan D. Levine, Esq. (by email)
Martin R. Stolar, Esq. (by email)

6/4/08
Application granted.
SO ORDERED.
James C. Francis IV

USMJ